

REMARKS/ARGUMENTS

Reconsideration of this application, as amended, is respectfully requested. The following remarks are responsive to the Office Action mailed October 19, 2006.

The foregoing amendment and the following arguments are provided generally to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

Claims 1-44, 46-51 and 53-59 are pending in the present application. Claims 1-44, 46-51 and 53-59 are rejected. Claims 1, 26, 41, 57-59 have been amended. Claims 60 and 61 have been added. Claims 45 and 52 have been canceled. No new matter has been added.

35 U.S.C §112 Rejections

The Examiner has rejected claims 1-44, 46-51 and 53-59 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 26, 57-59 have been amended to particularly point out and distinctly claim the subject matter.

Claims 1, 26, 41, and 57-59 have been amended. For example, claim 1 particularly points out “to record information in real time as the information is being articulated by the information provider over the first communications connection”.

The withdrawal of the rejections under 35 U.S.C. §112, second paragraph is respectfully requested.

35 U.S.C. §102(b) Rejections

The Examiner has rejected claims 1-3, 5, 7, 9-17, 19-20, 22, 23, 26-44, 46-50, 53 and 56-59 under 35 U.S.C. §102(b) as being anticipated by Rossides (U.S. Patent No. 6,131,085).

Applicant respectfully disagrees.

Applicant respectfully submits that Rossides does not anticipate Applicant's independent claims 1, 26, 41, 57, 58 and 59, since Rossides does not disclose each and every element of claims 1, 26, 41, 57, 58 and 59.

Applicant respectfully submits that Rossides does not show the limitation of recording information in real time "as the information is being articulated by the information provider" over the first communications connection.

For example, Applicant's independent claim 1 includes the limitations:

a first logic unit linked with the database to establish a first communications connection with an information provider and to record information in real time as the information is being articulated by the information provider over the first communications connection (Claim 1, emphasis added)

However, Rossides discusses collection of information by "entering or inputting" the answer into the system. For example, in Rossides:

"From this sales estimate ... the royalties, a person will get for finding and entering the answer into the system" (col. 6 lines 13-14) "... creates 18 a demand record for the question, inputs 19 the answer,..." (col. 13 lines 52-53)

However, Rossides does not specifically disclose recording information "in real time as the information is being articulated by the information provider" in a way as recited in the claims. Although Rossides discusses submission of questions via typing through an interface

displayed on a screen, Rossides does not provide specific ways of “entering” or “inputting” information (“answers”) to the database. The general discussion of “entering” or “inputting” does not anticipate the *specific* embodiments recited in the claims.

Similarly, Applicant’s independent claim 59 includes limitations of:

“recording aural information in real time as the information is being articulated by the information provider over the call session” (Claim 59, emphasis added)

The Examiner asserts in the Office Action that in Rossides, “The answers may be stored in audio or video format, which means that both the experts and the users may be connected to the central system via an audio or video connection”. Applicant respectfully disagrees.

In particular, the Examiner cites in Rossides:

“Format of the Answer. A user may specify the format of an answer: text, audio, video or multi-media.” (col. 224 lines 7-8)

Although an answer in an audio or video format is suggested, Rossides does not disclose an audio or video connection”. Rossides does not show how the audio answer is recorded and submitted to the central system. Specifically, Rossides does not disclose a real time communication connection between the expert and the user to the central system for real time recording of an answer in audio or video as the answer is being articulated by the information provider over the connection. It is not necessary to have a real time communication connection between the expert and the central system to enter or input an answer in an audio or video format. Thus, the assertion is based on the hindsight view afforded by Applicant’s disclosure, not based on the teaching of Rossides.

Since applicant’s independent claims 1, 26, 41, 57, 58 and 59 have claim limitations that are not disclosed in, nor suggested by, the cited references, Applicant’s independent claims are patentable over the cited references at least for the above stated reasons. Applicant’s remaining

claims depend from one of the foregoing independent claims and therefore incorporate the distinguishing limitations of the foregoing independent claims. Therefore, the remaining dependent claims are also patentable over the cited references. Thus, the withdrawal of the rejections under 35 U.S.C. §102(b) is respectfully requested.

CLAIM REJECTIONS - 35 USC § 103

The Examiner has rejected claims 4 and 6 under 35 U.S.C. 103(a) as being unpatentable over Rossides. Applicant respectfully disagrees.

The Official Notice was taken for the additional limitations recited in the dependent claims. However, citation of the Official Notice does not show the corresponding limitations discussed above for the independent claims. Thus, the Official Notice cannot be used in addition to Rossides to show each and every aspect of the pending claims. Since the cited reference does not show each and every aspects of the independent claims 1, 26, 41, 57, 58 and 59, the dependent claims of these independent claims are also patentable over the cited references, at least for the above discussed reasons.

The Examiner has rejected claims 8, 18, 21, 24, 25, 51, 54, and 55 under 35 U.S.C. 103(a) as being unpatentable over Rossides (US Patent No. 6,131,085) in view of Yokono et al (Hereinafter Yokono) US 2002/0029241. Applicant respectfully disagrees.

Yokono was cited for the additional limitations recited in the dependent claims. Yokono does not show the corresponding limitations discussed above for the independent claims. Thus, when viewed together, Rossides and Yokono do not show each and every aspect of the pending claims.

Since the cited references do not show each and every aspect of the independent claims 1, 26, 41, 57, 58 and 59, the dependent claims of these independent claims are also patentable over the cited references, at least for the above discussed reasons. The withdrawal of the rejections is respectfully requested for the pending claims.

Condition for Allowance

The applicants submit that the present application is now in condition for allowance. The Examiner is invited to contact applicants' attorney John P. Ward, via telephone at (650) 328-8500, if it would further the allowance of the present application. The applicants further submit that no new matter has been added.

Please charge any deficiencies or credit any overpayments to Deposit Account No. 50-2638, including any funds necessitated due to insufficient funds for an accompanying check. Please charge any corresponding fee to Deposit Account No. 50-2638.

Respectfully submitted,

Date: January 18, 2007

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